IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.15158 of 2008
BIRO YADAV
Versus
STATE OF BIHAR
With
Cr.Misc. No.9427 of 2008
BIJO YADAV & ANR
Versus
STATE OF BIHAR

03/ 26.08.2008 Heard learned counsels for the petitioners and the State.

Both these Cr. Misc. applications arise out of same P.S.case and hence they are being disposed of by this common order.

Earlier Bimla Devi wife of Arun Sada has lodged a case of rape against three persons Raja Yadav, Pawan Yadav and one another person and in that case the informant was a witness. Allegation is that the informant was abused in the name of her caste by the accused persons and on account of their firing the informant's daughter Tetari Kumari was killed.

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Submission is that no case under Section 302 IPC is made out and at best the case comes under Section 304 IPC as there was no intention to kill the girl aged 13 years.

This is a case of high handedness in which a girl of Scheduled caste was killed because her family members had ventured to depose against the accused persons of that case. The petitioners in collusion with other accused persons have committed the murder of a girl.

Considering the allegations, I am not inclined to release the petitioners on bail. Accordingly, both the petitions are dismissed.

In this case report was called for regarding the stage of the trial and the same has been received, from which it appears that the case is fixed for charge. The concerned court shall expedite the disposal of the case.

DKS/ **(Shyam Kishore Sharma,J)**

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